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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,272	04/01/2004	Brian Maxson	705397.4010	2294
34313 7590 12/23/2008 ORRICK, HERRINGTON & SUTCLIFFE, LLP IP PROSECUTION DEPARTMENT 4 PARK PLAZA SUITE 1600 IRVINE, CA 92614-2558				
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TRAN, TRANG U				
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2622				
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12/23/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/817,272

**Applicant(s)**

MAXSON ET AL.

**Examiner**

Trang U. Tran

**Art Unit**

2622

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-30, 44 and 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-30, 44 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed Oct. 02, 2008 have been fully considered but they are not persuasive.

In re pages 4-5, applicants argue, with respect to the rejection under 35 U.S.C. § 102, that Fendley fails to disclose, however, that phosphor dots 24, 26, and 29 are used to in any way to detect convergence errors, that Fendley fails to disclose that these phosphor dots are only to be placed about the periphery of the screen, and that Fendly fails to disclose any positioning device that is able to maneuver the individual CRTs as a whole.

In response, the examiner respectfully disagrees. It is noted that claims does not specifically claim that the plurality of beacon dots are used to detect convergence errors. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the plurality of beacon dots are used to detect convergence errors) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

It is noted that the term "about the periphery of the screen" is relative term. As shown in Fig. 1 of Fendley, three phosphor dots 24, 26, and 28 are positioned about the periphery of the screen as required by claims.

Fendley discloses in col. 4, lines 36-39 that "As the three electron beams 30a, 32a, and 34a are deflected in unison by a plurality of magnetic deflection coils 38 positioned around an intermediate portion of the CRT 14". From the above passage, it is clear that the plurality of magnetic deflection coils 38 anticipates the newly added limitation positioning device that is above to maneuver the individual CRTs.

***Claim Rejections – 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 22-23, 26 and 44-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Fendley (US Patent No. 4,686,429).

In considering claim 22, Fendley discloses all the claimed subject matter, note 1) the claimed a screen is met by the screen 18 (Fig. 1, col. 3, line 52 to col. 4, line 61), 2) a projection unit optically coupled to the screen is met by the CRT 14 (Fig. 1, col. 3, line 52 to col. 5, line 57), 3) the claimed a plurality of beacon dots positioned about the periphery of the screen is met by the plurality of phosphor dots 24, 26 and 28 (Fig. 1, col. 3, line 52 to col. 5, line 20), and 4) the claimed a detection system optically coupled to the screen and the plurality of beacon dots is met by the quadrant detectors 44 (photodetectors) which positioned adjacent to and aligned with the lens 40 and is adapted to detect the defocused line image transmitted through the lens (Fig. 1, col. 5, line 21 to col. 8, line 44), and 5) the claimed a deflection shaping system operably

coupled to the projection unit and the detection system is met by the plurality of magnetic deflection coils 38 (Fig. 1, element 38, col. 4, lines 36-39).

In considering claim 23, the claimed wherein the detection system includes a photocell and a lens coupled to the photocell is met by the quadrant detectors 44 (photodetectors) which positioned adjacent to and aligned with the lens 40 and is adapted to detect the defocused line image transmitted through the lens (Fig. 1, col. 5, line 21 to col. 8, line 44).

In considering claim 26, the claimed wherein the detection system comprises an optical element and a detector element comprising an array of photodetectors, the optical element being adapted to map a plurality of regions of measurement (ROMs) onto the detector element is met by the quadrant detectors 44 (photodetectors) which positioned adjacent to and aligned with the lens 40 and is adapted to detect the defocused line image transmitted through the lens and microcomputer's ROM and RAM (Fig. 1, col. 5, line 21 to col. 10, line 60).

In considering claim 44, the claimed wherein the deflection shaping system further comprises deflection shaping circuitry used to maneuver a CRT beam is met by the plurality of magnetic deflection coils 38 of Fendley (Fig. 1, element 38, col. 4, lines 36-39).

In considering claim 45, the claimed wherein the deflection shaping system further comprises at least one positioning device operatively connected to said projection unit is met by the plurality of magnetic deflection coils 38 of Fendley (Fig. 1, element 38, col. 4, lines 36-39).

***Claim Rejections – 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 24-25 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fendley (US Patent No. 4,686,429).

In considering claim 24, Fendley discloses all the limitations of the instant invention as discussed in claims 22-23 above, except for providing the claimed wherein the lens is a fish eye lens. The capability of using the lens is a fish eye lens is old and well known in the art. Therefore, the Official Notice is taken. It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the old and well known using of the lens is a fish eye lens into Fendley's system since it merely amount selecting available components.

In considering claim 25, Fendley discloses all the limitations of the instant invention as discussed in claims 22-23 above, except for providing the claimed wherein the lens is an insect eye lens. The capability of using the lens is an insect eye lens is old and well known in the art. Therefore, the Official Notice is taken. It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the old and well known using of the lens is an insect eye lens into Fendley's system since it merely amount selecting available components.

In considering claim 27, Fendley discloses all the limitations of the instant invention as discussed in claims 22 and 26 above, except for providing the claimed wherein the optical element comprises an array of lenses. The capability of using the optical element comprises an array of lenses is old and well known in the art. Therefore, the Official Notice is taken. It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the old and well known using of the optical element comprises an array of lenses into Fendley's system since it merely amount selecting available components.

In considering claim 28, Fendley discloses all the limitations of the instant invention as discussed in claims 22, 26 and 27 above, except for providing the claimed wherein the lenses are convex and hexagonal. The capability of using the lenses are convex and hexagonal is old and well known in the art. Therefore, the Official Notice is taken. It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the old and well known using of the lenses are convex and hexagonal into Fendley's system since it merely amount selecting available components.

In considering claim 29, Fendley discloses all the limitations of the instant invention as discussed in claims 22, 26 and 27 above, except for providing the claimed wherein the lenses are Fresnel lenses. The capability of using the lenses are Fresnel lenses is old and well known in the art. Therefore, the Official Notice is taken. It would have been obvious to one ordinary skill in the art at the time of the invention to

incorporate the old and well known using of the lenses are Fresnel lenses into Fendley's system since it merely amount selecting available components.

In considering claim 30, Fendley discloses all the limitations of the instant invention as discussed in claims 22 and 26 above, except for providing the claimed wherein the optical element comprises a hologram. The capability of using the optical element comprises a hologram is old and well known in the art. Therefore, the Official Notice is taken. It would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the old and well known using of the optical element comprises a hologram into Fendley's system since it merely amount selecting available components.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 9:00 AM - 6:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 20, 2008

/Trang U. Tran/  
Primary Examiner, Art Unit 2622